

## REMARKS

### Introductory Matters

Claims 1-10, 14, 16-17, 20, 22 and 27 are pending in this application. Claims 1-10, 14, 16-17, 20, 22 and 27 stand rejected.

Applicants have amended the definition of R<sup>8</sup> in claims 1-8 to remove methyl (non-substituted C<sub>1</sub> alkyl)

These amendments add no new matter.

## THE OFFICE ACTION

### 35 U.S.C. § 103 (Armistead *et al.*, WO/01/60816)

Claims 1-10, 14, 16-17, 20, 22 and 27 stand rejected under 35 U.S.C. § 103 as being obvious over Armistead *et al.*, WO/01/60816. The Examiner maintains his contention that compounds claimed in WO 01/60816 differ from the compounds in the instant claims by having a -H group at position 6 of the pyrimidine ring instead of *e.g.* a methyl, and thus are structural analogs. The Examiner cites MPEP § 2144.09 when asserting that: “A *prima facie* case of obviousness may be made when chemical compounds have very close structural similarities and similar utilities”

Applicants traverse. However, to expedite prosecution, Applicants have amended claims 1-8, by removing methyl from the definition of R<sup>8</sup>. Applicants respectfully submit that the amended claims are not *prima facie* obvious in light of Armistead *et al.*

### 35 U.S.C. § 103 (Dixon *et al.*, WO/03/026664)

The Examiner has raised a new ground for rejection of claims 1-10, 14, 16-17, 20, 22 and 27 under 35 U.S.C. § 103 as being un-patentable over Dixon *et al.*, WO/03/026664. The Examiner contends that the reference teaches a generic group of pyrimidine-2,4-diamine compounds, which embraces Applicants’ instantly claimed compounds. The Examiner further

contends that the compounds according to the instant claims differ from the reference disclosed compounds by having a substituent at a different position on the pyrimidine ring from the reference compound (Example 69) and therefore the compounds are positional isomers. The Examiner cites several CCPA cases to assert that: "[A compound] structurally isomeric with a compound of prior art is *prima facie* obvious absent unexpected results"

Applicants traverse. However, to expedite prosecution, Applicants have amended claims 1-8, by removing methyl from the definition of R<sup>8</sup>. Applicants respectfully submit that the amended claims are not *prima facie* obvious in light of Dixon *et al.*

For all the above reasons, Applicants respectfully request that the Examiner withdraw these 103 rejections.

### CONCLUSION

Applicants request that the Examiner enter the above amendments, consider the accompanying arguments, and allow the claims to pass to issue. Should the Examiner deem expedient a telephone discussion to further the prosecution of the above application, Applicants request that the Examiner contact the undersigned attorney at his convenience.

Respectfully submitted,

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